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Attorneys for Defendant  
MED-SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NeilMed Products, Inc.,  
Plaintiff,

v.

Med-Systems, Inc.,  
Defendant.

Case No. C 04:06-cv-00964-CW

**STIPULATED MOTION TO MODIFY  
SCHEDULING ORDER AND ORDER AS  
MODIFIED**

Hon. Claudia Wilken

**IT IS HEREBY STIPULATED** and agreed to by and between Plaintiff NeilMed Products, Inc. (“NeilMed”) and Defendant Med-Systems, Inc. (“Med-Systems”), by and through their respective counsel of record, that there exists good cause under Fed. R. Civ. P. 16(b) for the Court to modify the scheduling order. Specifically, the parties wish to extend the discovery deadlines by several weeks—and the dispositive motion hearing date by one week—in order to allow the parties to finalize a settlement of this matter. The proposed extension will not affect the final pretrial conference or trial dates.

If the parties are unable to reach a settlement, the parties will resume discovery. This is the first motion to modify the scheduling order filed by the parties concerning the above-captioned action. The parties believe that no further extensions will be required.

Accordingly, the parties respectfully request that the Court modify the certain deadlines entered in this case on September 27, 2006, as set forth in the table below. All deadlines sought to be postponed are in bold-faced type and underlined. The remaining deadlines not sought to be postponed are also included in the table for ease of reference.

<u><b>Event</b></u>	<u><b>Original Date</b></u>	<u><b>New Date</b></u>
Completion of fact discovery (with service of all fact discovery requests to occur on a date early enough to allow for response prior to this deadline)	<u><b>April 27, 2007</b></u>	<u><b>May 18, 2007</b></u>
Disclosure of identities and reports of expert witnesses	<u><b>May 25, 2007</b></u>	<u><b>June 15, 2007</b></u>
Rebuttal expert reports deadline	<u><b>June 22, 2007</b></u>	<u><b>July 13, 2007</b></u>
Close of Expert Discovery	<u><b>July 13, 2007</b></u>	<u><b>July 27, 2007</b></u>
All case-dispositive motions to be heard at <b>2:00 p.m.</b> on or before:	<u><b>September 21, 2007</b></u>	<u><b>September 27, 2007</b></u>
Final Pretrial Conference at 1:30 p.m. on:	November 30, 2007	November 30, 2007
A 4 day Jury Trial will begin at 8:30 a.m. on:	December 10, 2007	December 10, 2007

FISH &amp; RICHARDSON P.C.

Attorneys for Plaintiff  
NEILMED PRODUCTS, INC.

PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP

Attorneys for Defendant  
MED-SYSTEMS, INC.

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from John L. Roberts.

FISH &amp; RICHARDSON P.C.

Attorneys for Plaintiff  
NEILMED PRODUCTS, INC.

**ORDER**

IT IS SO ORDERED.

3/26/07

Dated: \_\_\_\_\_



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Honorable Claudia Wilken  
Judge Of The United States District Court

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